

This is the final report with respect to Executive Order No. 12735.

This report is made pursuant to section 204 of the International Emergency Economic Powers Act and section 401(c) of the National Emergencies Act regarding activities taken and money spent pursuant to the emergency declaration. Additional information on chemical and biological weapons proliferation is contained in the annual report to the Congress provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

The three export control regulations issued under the Enhanced Proliferation Control Initiative are fully in force and continue to be used to control the export of items with potential use in chemical or biological weapons (CBW) or unmanned delivery systems for weapons of mass destruction.

During the final 6 months of Executive Order No. 12735, the United States continued to address actively in its international diplomatic efforts the problem of the proliferation and use of CBW.

At the termination of Executive Order No. 12735, 158 nations had signed the Chemical Weapons Convention (CWC) and 16 had ratified it. On November 23, 1993, I submitted the CWC to the Senate for its advice and consent to ratification. The United States continues to press for prompt ratification of the Convention to enable its entry into force as soon as possible. We also continue to urge those countries that have not signed the Convention to do so. The United States has remained actively engaged in the work of the CWC Preparatory Commission

headquartered in The Hague, to elaborate the technical and administrative procedures for implementing the Convention.

The United States was an active participant in the Special Conference of States Parties, held September 19–30, 1994, to review the consensus final report of the Ad Hoc Group of experts mandated by the Third Biological Weapons Convention (BWC) Review conference. The Special Conference produced a mandate to establish an Ad Hoc Group whose objective is to develop a legally binding instrument to strengthen the effectiveness and improve the implementation of the BWC. The United States strongly supports the development of a legally binding protocol to strengthen the Convention.

The United States maintained its active participation in the Australia Group (AG), which welcomed the Czech Republic, Poland, and Slovakia as the 26th, 27th, and 28th AG members, respectively. The Group reaffirmed members' collective belief that full adherence to the CWC and the BWC provides the only means to achieve a permanent global ban on CBW, and that all states adhering to these conventions have an obligation to ensure that their national activities support these goals.

The AG also reiterated its conviction that harmonized AG export licensing

measures are consistent with and indeed actively support, the requirement under Article I of the CWC that States Parties never assist, in any way, the manufacture of chemical weapons. These measures also are consistent with the undertaking in Article XI of the CWC to facilitate the fullest possible exchange of chemical materials and related information for purposes not prohibited by the Convention, as they focus solely on preventing assistance to activities banned under the CWC. Similarly, such efforts also support existing nonproliferation obligations under the BWC.

The United States Government determined that one foreign individual and two foreign commercial entities—respectively, Nahum Manbar, and Mana International Investments and Europol Holding Ltd.—had engaged in chemical weapons proliferation activities that required the imposition of trade sanctions against them, effective on July 16, 1994. A separate determination was made and sanctions imposed against Alberto di Salle, an Italian national, effective on August 19, 1994. Additional information on these determinations will be contained in a classified report to the Congress, provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

Pursuant to section 401(c) of the National Emergencies Act, I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order No. 12735 during the period from November 16, 1990, through November 14, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 16, 1995.

REPORT RELATIVE TO NUCLEAR, CHEMICAL AND BIOLOGICAL WEAPONS—MESSAGE FROM THE PRESIDENT—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On September 29, 1994, in Executive Order No. 12930, I declared a national emergency under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 et seq.) to deal with the threat to the national security, foreign policy, and economy of the United States posed by the continued proliferation of nuclear, biological, and chemical weapons, and their means of delivery. Specifically, this order provided necessary authority under the Enhanced Proliferation Control Initiative (EPCI), as provided in the Export Administration Regulations, set forth in Title 15, Chapter VII, Subchapter C, of the Code of Federal Regulations,

Parts 768 to 799 inclusive, to continue to regulate the activities of United States persons in order to prevent their participation in activities that could contribute to the proliferation of weapons of mass destruction and their delivery means.

I issued Executive Order No. 12930 pursuant to the authority vested in me as President by the Constitution and laws of the United States of America, including the IEEPA, the National Emergencies Act (NEA) (50 U.S.C. 1601 et seq.), and section 301 of title 3 of the United States Code. At that time, I also submitted a report to the Congress pursuant to section 204(b) of the IEEPA (50 U.S.C. 1703(b)).

Executive Order No. 12930 was revoked by Executive Order No. 12938 of November 14, 1994. Executive Order No. 12938 consolidates a number of authorities and eliminated certain redundant authorities. All authorities contained in Executive Order No. 12930 were transferred to Executive Order No. 12938.

Section 204 of the IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the NEA requires that the President: (1) within 90 days the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration; or (2) within 90 days after the termination of an emergency, transmit a final report to the Congress on all expenditures. This report, covering the period from September 29, 1994, to November 14, 1994, is submitted in compliance with these requirements.

Since the issuance of Executive Order No. 12930, the Department of Commerce has continued to administer and enforce the provisions contained in the Export Administration Regulations concerning activities by United States persons that may contribute to the proliferation of weapons of mass destruction and missiles. In addition, the Department of Commerce has conducted ongoing outreach to educate concerned communities regarding these restrictions. Regulated activities may include financing, servicing, contracting, or other facilitation of missile or weapons projects, and need not be linked to exports or reexports of U.S.-origin items. No applications for licenses to engage in such activities were received during the period covered by this report.

No expenses directly attributable to the exercise of powers or authorities conferred by the declaration of a national emergency in Executive Order No. 12930 were incurred by the Federal Government in the period from September 29, 1994, to November 14, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 16, 1995.

MESSAGES FROM THE HOUSE

At 3:49, p.m., a message from the House of Representatives, delivered by